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VIA ECF

The Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: *Hedgeye Risk Management, LLC v. Dale*, No. 1:21-cv-3687 (ALC) (RWL)

Dear Judge Carter:

This firm represents Plaintiff Hedgeye Risk Management, LLC in this matter. We write to request a modification to the filing deadline for all parties' summary judgments motions. The Court may recall that the parties are currently exchanging summary judgment motions, oppositions, and replies. After exchange of reply briefs, the parties will review and agree upon confidentiality designations in those papers, and the parties are to file all papers with the Court on January 17, 2025. This schedule was approved and ordered by the Court in Dkt. No. 698.

Hedgeye requests that the date for exchange of reply briefs be moved to January 17, 2025 (a one-week extension) and that the deadline for filing all summary judgment papers with the Court be moved to February 11, 2025 (just over a three-week extension). The reason for Hedgeye's request is that Hedgeye's co-lead counsel Jessie Beeber had a death in her family on January 3, 2025 and has had to travel out of state to support her family and make suitable arrangements. The reason for the three-week extension on the filing date (rather than a parallel one-week extension) is that a one-week extension would place the filing deadline during a trial being handled by the Terman Defendants' counsel. No change is required to the schedule for *Daubert*/evidentiary motions.

All parties have consented to these modifications to the schedule. Hedgeye respectfully requests the Court's approval of the change. Thank you for your kind consideration.

Respectfully submitted,

/s/ Eric A. Prager

Eric A. Prager

cc: All counsel via ECF